

HOWARD RUBIN - 10/25/2018

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 -----x

4 HILLARY LAWSON, KRISTINA HALLMAN,
5 STEPHANIE CALDWELL, MOIRA HATHAWAY,
6 MACEY SPEIGHT, ROSEMARIE PETERSON, and
7 LAUREN FULLER,

8 Plaintiffs,

Case No.:

1:17-cv-06404 (BMC)

9 - against -

10 HOWARD RUBIN, JENNIFER POWERS,
11 and the DOE COMPANY,

12 Defendants.

13 -----x

14 225 Broadway
15 New York, NY 10007
16 October 25, 2018
17 10:11 a.m.

18 VIDEOTAPED DEPOSITION of HOWARD RUBIN, in
19 the above-entitled action, held at the above time
20 and place, pursuant to order, taken before ESTAMARIE
21 CASTELLI-VELEZ, a shorthand reporter and Notary
22 Public within and for the State of New York.
23
24
25

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 A Mid-2000 sometime.
2 Q And who was that?
3 A I --
4 MR. MCDONALD: I'm going to object.
5 Consistent with the judge's ruling on the I
6 think it was the 29 of August, we're going to
7 object to any questions that would reveal the
8 identity of any of the women with whom he had
9 sexual relations other than the plaintiffs in
10 this case. And he's prepared to talk about
11 events that took place, but he's not going to
12 give you the names of any women. That's
13 consistent with the judge's order.
14 Q Was it Ms. Powers?
15 A No.
16 Q So, you had been engaged in BDSM
17 activities prior to Ms. Powers, correct?
18 A That's correct.
19 Q I'm going to ask a couple of questions
20 about some of the terms that you use.
21 What do you mean when you say that it
22 is a consensual interaction or a consensual
23 relationship?
24 A I'm talking about my experiences.
25 Q That's all I'm asking about.

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1 A So, I will only have any kind of sexual
2 relation with another women -- with a woman, if it's
3 consensual.
4 Q Do you ever have BDSM sexual interactions
5 with men?
6 A No.
7 Q What do you mean by consensual?
8 A That the women has agreed to the type of
9 activity, BDSM activity, that we're going to engage
10 in.
11 Q How does she show such agreement?
12 A Couple of different ways; she agrees and
13 we have a discussion prior to our sexual activity
14 beginning and I also use, which is common in BDSM
15 sexual play, I use safe words.
16 MR. BALESTRIERE: I'm sorry. Can you --
17 can you read back the answer again or can I
18 just look?
19 Q Okay, so you testified about having a
20 discussion prior to the sexual activity. How does
21 that discussion go?
22 A I talk, discuss what is going to happen
23 beforehand, and just, you know, merely that. We
24 have some kind of discussion beforehand about what
25 activity might take place.

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1 Q How long does that discussion take?
2 A I could -- it could be short or it could
3 be longer. I don't --
4 Q How long is longer?
5 A It could be -- we might discuss it for 60
6 minutes or more.
7 Q When you say shorter, how long is that?
8 A A few minutes.
9 Q This is a discussion that you have with
10 the women who are submissive prior to engaging in
11 any BDSM activity; is that correct?
12 A Yes.
13 Q What specifically do you discuss?
14 MR. MCDONALD: Objection to form.
15 A I don't recall. I don't remember the
16 specifics.
17 Q You don't remember ever what you discussed
18 with any of the women with whom you've had these
19 discussions prior to your engaging in BDSM activity?
20 A If you're trying to say do I have the same
21 discussion with every woman, then the answer is no.
22 So, I have --
23 Q I'm not --
24 A -- general discussions --
25 MR. GILBERT: I don't think he was

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1 finished with his answer.

2 A I have general discussion about the type

3 of BDSM activity we are going to engage in.

4 Q So, when you say general discussions, what

5 do you mean?

6 A I talk about what type of toys we're going

7 to use, that there will be bondage involved, that

8 there might be [REDACTED]

9 involved.

10 Q Anything else?

11 A I can't remember at the time if I

12 discussed other -- or I do discuss other things.

13 Q To be clear, are you always the dominant?

14 A I'm always the dominant.

15 Q Have you ever been a submissive?

16 A I have not.

17 Q When you say bondage, what do you mean by

18 that?

19 A Bondage is the use of either bondage rope

20 or bondage tape and it could be tying a woman up in

21 various positions.

22 Q Give me an example of a position/

23 A Her hands and feet may be tied.

24 Q With rope or tape?

25 A Possibly, yes.

[illegible][illegible][illegible]

[illegible][illegible][illegible]

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1 MR. MCDONALD: Let's go --

2 MR. BALESTRIERE: It's his dep, so --

3 MR. MCDONALD: -- 15, 10, 15 minutes.

4 Q So, we're talking about payments made to

5 Ms. [REDACTED].

6 When is the first time you made any

7 payments to her?

8 A '09, 2010, somewhere in that neighborhood.

9 Q How much did you pay her over time?

10 A I don't know.

11 Q In your mind, what were you paying her

12 for?

13 A I was paying her for introducing me to

14 women that would potentially have consensual BDSM

15 sexual experience relation with me.

16 Q Would you ever have sexual intercourse

17 with the women that she introduced you to?

18 A Yes.

19 Q What do you understand me to mean when I

20 say sexual intercourse?

21 A [REDACTED].

22 Q What about anal sex?

23 A [REDACTED].

24 Q So, when I say sexual intercourse to that

25 simply means vaginal intercourse; is that correct?

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1 that will refresh his recollection and allow
2 him to understand the question.

3 Q Who introduced Ms. [REDACTED] to you?
4 A [REDACTED].

5 Q Did you ever have -- did you ever pay Ms.
6 [REDACTED] for any BDSM play beyond -- withdrawn.
7 Ms. [REDACTED] was introduced by [REDACTED]
8 [REDACTED].

9 What about Ms. [REDACTED] ?

10 A No.

11 Q Who introduced Ms. [REDACTED] to you?
12 A [REDACTED].

13 Q What about [REDACTED] , who introduced [REDACTED]
14 [REDACTED] to you?

15 A [REDACTED].

16 Q [REDACTED] who introduced her to
17 you?

18 A [REDACTED].

19 Q Who introduced Ms. [REDACTED] to you?
20 A I said before I can't recall who
21 introduced [REDACTED] to me.

22 Q What about Ms. [REDACTED] ?
23 A I don't remember how I met [REDACTED].

24 Q When did you first meet her?
25 A Several years ago.

[illegible][illegible][illegible]

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1 Ms. Powers with regards to the payment of her legal
2 fees?

3 A [REDACTED].

4 Q Do you have an oral agreement with Ms.
5 Powers with regard to the payment of her legal fees?

6 A [REDACTED].

7 Q If there was a judgment entered against
8 Ms. Powers, have you agreed to pay for that?

9 A [REDACTED]
[REDACTED].

11 Q That wasn't my question.

12 My question is, if there is a
13 judgment entered against her, have you agreed to pay
14 for that judgment?

15 A .

16 Q So, when was the first time that you had
17 any contact at all with [REDACTED] ?

18 A 2009, 2010ish.

19 Q And you may have testified to this
20 already, but how did you first learn about Ms.
21 [REDACTED]?

22 A Through [REDACTED] .

23 Q Did you go to Ms. [REDACTED] and ask to meet
24 with a particular kind of person and she made the
25 introduction?

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1 A I had communicated to [REDACTED] that the
2 type of women I was interested in meeting were ones
3 that were interested in consensual submissive BDSM
4 activity. So, I had relayed that information in
5 some format or another to [REDACTED] .

6 Q And after you did so, she made a
7 connection between you and Ms. [REDACTED], correct?

8 A That's correct.

9 Q And you paid Ms. [REDACTED] some amount of money
10 for that, right?

11 A I did.

12 0 You did or did not, sir.

13 A I did.

14 0 You did.

15 Do you remember how much?

16 A I don't.

17 Q Where did you first physically meet Ms.

18 [REDACTED]?

19 A I can't remember for sure. I'm thinking
20 it was the [REDACTED]
21 that's just a distant memory.

22 Q You met with Ms. [REDACTED] for the first time
23 prior to having the lease in the apartment; is that
24 correct?

25 A That's correct.

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 you met with Ms. [REDACTED] ?
2 A My recollection is maybe at the end of
3 2016.
4 Q When you met with Ms. [REDACTED] at some point
5 at the end of 2016, did you have any sexual
6 intercourse with Ms. [REDACTED] ?
7 A I don't recall.
8 Q Did you engage in BDSM when you met with
9 Ms. [REDACTED] at the end of 2016?
10 A I don't have a memory one way or the
11 other.
12 Q Did you pay Ms. [REDACTED] when you met with
13 her at the end of 2016?
14 A I don't have a memory of it one way or the
15 other.
16 Q Did you meet with her in the apartment
17 when you met with her at the end of 2016?
18 A I assume I would have, but I don't have a
19 specific memory of it.
20 Q When did you first meet [REDACTED] ?
21 A I believe it was September 2011.
22 Q And you may have testified to this, how
23 did you first come into contact with Ms. [REDACTED] ?
24 A Through [REDACTED] .
25 Q What direction or specification did you

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1 give to Ms. [REDACTED] prior to her making the
2 introduction to you of Ms. [REDACTED] ?
3 MR. GROVER: Objection to form.
4 A Nothing different than what I had
5 testified to before that I was looking to meet women
6 who were willing to engage in consensual BDSM sexual
7 activity.
8 Q So, when you testified before you mean in
9 reference to Ms. [REDACTED] ?
10 A You had asked me some question. I'm not
11 sure who it was in reference to.
12 Q Did you meet -- no, withdrawn.
13 How many times have you physically
14 met with Ms. [REDACTED] since that first time you met
15 her in 2011?
16 A I -- I'm going to try to estimate because
17 I don't know over the last six years, but I believe
18 it was six, seven, eight times.
19 Q Did you ever become friends with
20 Ms. [REDACTED] or was it always about this BDSM play?
21 A It's two questions.
22 Q Did you ever become friends with
23 Ms. [REDACTED] ?
24 A Yes.
25 Q Did you consider Ms. [REDACTED] more a friend

Page 205

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED].

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1 Q What did she talk about?
2 A That she was addicted to heroin.
3 Q Did you ever get heroin for her?
4 A No.
5 Q How many times did you pay Miss [REDACTED] ?
6 A I believe it was six or seven times.
7 Q When was the last time you paid Ms.
8 [REDACTED]; do you remember?
9 A In June of 2017 I had met her at the
10 apartment. She had been texting me frequently in
11 the few weeks leading up to that telling me she was
12 desperate and broke. I hadn't seen her in person
13 for probably a year-and-a-half, and she mentioned to
14 me that her father had died, and that she had been
15 kicked out of her apartment, and that she was
16 desperate for money, and she was very interested in
17 meeting up with me to have a consensual BDSM time,
18 and she showed up at the apartment. She was wearing
19 sneakers, short shorts, and a tank top. She had
20 sores all over her body and she broke down crying.
21 She told me that she -- I asked her what the sores
22 were. She said she was addicted to heroin. I
23 talked to her for about maybe 30 minutes, gave her a
24 hug. She left. She was in the apartment for less
25 than an hour.

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1 Q Did you give her any money?
2 A After she left, I instructed Jennifer
3 Powers to send her \$2,000.
4 Q Was that the last time you saw her before
5 the deposition in this case?
6 A That's the last time I saw her or
7 communicated with her.
8 Q Did you give her anything to eat or drink
9 when she was in the apartment?
10 A Perhaps a water. We did not have any
11 alcohol.
12 Q Prior to that time in I think you said the
13 summer of 2017, when was the last time you had seen
14 Ms. [REDACTED] ?
15 A I think it was -- I think I saw her in
16 December of 2016. I had taken her out for food and
17 drinks some evening after I had played my regular
18 doubles tennis game. We met on the Upper East Side
19 around 10 o'clock at night.
20 Q You said that's December 2016?
21 A I believe that's the date.
22 Q Did you engage in any BDSM play that
23 night?
24 A No.
25 Q Did you have sexual intercourse with her?

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1 A No, and I didn't pay her any money.
2 Q Prior to December 2016 when was the last
3 time before that you remember meeting with Ms.
4 [REDACTED]?
5 A I believe it was January of 2016.
6 Q Please tell me about that encounter.
7 A We -- she came to the condo, the
8 apartment. Jennifer Powers was there. I happened
9 to be trying on some new clothing. [REDACTED] and Jen
10 kind of critiqued the outfits I was trying on and
11 then I took her out for dinner that night.
12 Q And did you engage in BDSM play that
13 night?
14 A No.
15 Q Did you have sexual intercourse with her?
16 A In other words, no sexual BDSM contact at
17 all. It was a date, same as had been in -- same as
18 we had in January of 2016. It's a date. I took her
19 out for dinner. I didn't give her any money.
20 Q I'm sorry. I may have gotten confused on
21 the dates. When was it that you were trying on the
22 clothes?
23 A I believe it was twice in 2016. One was
24 in January, one was in December.
25 Q And you didn't pay her in December I think

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1 was your testimony, right?
2 A You know, as I recall.
3 Q Okay, and then what about in January?
4 A As I recall, I did not pay her.
5 Q Prior to that January or so meeting in
6 2016, when was the last time before that you saw Ms.
7 [REDACTED]?
8 A As I sit here today, I believe it was
9 October of 2014.
10 Q So, more than a year previous?
11 A Correct.
12 Q Did you engage in BDSM play that night
13 that time?
14 A [REDACTED]
[REDACTED] strip club in New York City.
16 Q Had you flown Ms. [REDACTED] to New York for
17 that?
18 A I think she was living in New York.
19 Q How did you end up getting connected with
20 her that time?
21 A I texted her I believe, or that's what I
22 think.
23 Q Where physically were you in the [REDACTED]
24 [REDACTED].
25 A In the [REDACTED].

